

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
- v. -	:	CONSENT PRELIMINARY ORDER OF FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
CLIFFORD MOSS,	:	
	:	17 Cr. 675 (JMF)
Defendant.	:	
- - - - -	x	

WHEREAS, on or about October 4, 2017, CLIFFORD MOSS (the "defendant"), was charged in an Information, 17 Cr. 675 (JMF) (the "Information"), with a racketeering conspiracy, in violation of Title 18, United States Code, Section 1962(d) (Count One); conspiracy to commit honest services fraud, in violation of Title 18, United States Code, Section 1349 (Counts Two, Four, and Six); and bribery affecting an employee benefit plan, in violation of Title 18, United States Code, Section 1954 and 2 (Counts Three and Five);

WHEREAS, the Information included a forfeiture allegation as to Count One of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 1963, any and all interests the defendant acquired or maintained in violation of Title 18, United States Code, Section 1962; any and all interests in, securities of, claims against, and property or contractual rights of any kind affording a source of influence over, the enterprise named and described in Count One of

the Information which the defendant established, operated, controlled, conducted, and participated in the conduct of, in violation of Title 18, United States Code, Section 1962; and any and all property constituting and derived from proceeds obtained, directly and indirectly, from the offense alleged in Count One of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Information;

WHEREAS, the Information included a forfeiture allegation as to Counts Two through Six of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), of property, real and personal, which constitutes or is derived from proceeds traceable to the commission of the offenses charged in Counts Two through Six of the Information;

WHEREAS, on or about October 4, 2017, the defendant pled guilty to Count One Through Six of the Information, pursuant to a plea agreement with the Government, wherein the defendant admitted the forfeiture allegation (i) with respect to Count One of the Information and agreed to forfeit, pursuant to Title 18, United States Code, Section 1963, a sum of money, representing the gross proceeds received by the defendant pursuant to his racketeering

activities as charged in Count One of the Information, and (ii) with respect to Counts Two through Six of the Information and agreed to forfeit, pursuant to Title 18, United States Code, Section 981(a)(1)(C), any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses charged in Counts Two through Six of the Information;

WHEREAS, the defendant consents to the entry of a money judgment in the amount of \$1,839,000 in United States currency representing the amount of proceeds traceable the offenses charged in Counts One through Six of the Information that the defendant personally obtained; and

WHEREAS, the defendant admits that, as a result of acts and/or omissions of the defendant, the proceeds traceable to the offenses charged in Counts One through Six of the Information that the defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Audrey Strauss, Acting United States Attorney, Assistant United States Attorney, JUSTIN RODRIGUEZ of counsel, and the defendant, and his counsel, MATTHEW MYERS, Esq., that:

1. As a result of the offenses charged in Counts One through Six of the Information, to which the defendant pled guilty,

a money judgment in the amount of \$1,839,000 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offenses charged in Counts One through Six of the Information that the defendant personally obtained, shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the defendant, CLIFFORD MOSS, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.


7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

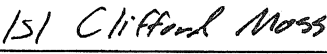
9. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

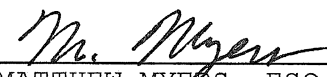
AGREED AND CONSENTED TO:

AUDREY STRAUSS
Acting United States Attorney for the
Southern District of New York

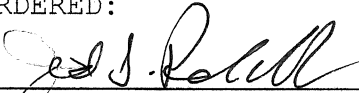
By:  July 27, 2020
JUSTIN RODRIGUEZ DATE
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2591

CLIFFORD MOSS

By:  7/27/20
CLIFFORD MOSS DATE

By:  7/27/20
MATTHEW MYERS, ESQ. DATE
Attorney for Defendant
Myers Singer & Galiardo LLP
299 Broadway, Suite 200
New York, NY 10007

SO ORDERED:

 7/29/20
HONORABLE JED S. RAKOFF DATE
UNITED STATES DISTRICT JUDGE